

REMARKS

By the foregoing amendment, applicant has amended claims 1-4, 9, 14, 15, 17, 19, 26, 91-93, 97, 100, 104, 122, and cancelled claims 100, 110 and 116.

Claims 101 and claims 111 and 117 dependent on claim 101 have been allowed.

Claims 104 and 123 have been indicated as allowable if rewritten in independent form, have been so rewritten and should now be allowed.

Claims 1-45, 91-93, 97-99 and 102-103, 105-109, 112-115, 118-122 and 124 remain at issue.

Reconsideration of the rejection of independent claim 1 and claims 2-25, 106, 112 dependent thereon; independent claim 26 and claims 27-45, 107, 113 dependent thereon; independent claim 91 and claims 122, 92 and 93, 108, 114; and independent claim 97 and claims 98, 99, 109, 115 dependent thereon under 25 USC 102(c) over Butler et al. is respectfully requested in light of the above amendments to the claims and for the following reasons. First, Butler et al. relates solely to an automotive control panel for controlling a radio and the heating system of a car and has absolutely nothing to do with a control for a beverage brewer or the like. Butler et al. is therefore not the prior art to which a person of ordinary art of brewer controls would look. For this reason alone, Butler et al. should not be considered.

Secondly, with respect to claim 1 and claims 2-45 dependent thereon, claim 1 has been amended to add additional structure relating to a brewer that are entirely lacking from Butler et al. for obvious reasons. Claim 1 has also been amended to clarify that actuation of one of the hidden switches results in performance of the associated function, while in Butler et al. selection of different modes does nothing but reveal switches that themselves perform no function. Instead, actuation of the switches merely results in changing the function that is performed by the multifunction switch 3 when that switch is activated. If the multifunction switch 3 is never actuated, then no function is ever performed.

The only function switch 3 is a tactile switch and is always present and visible and never hidden. Therefore Butler et al. teach away from a hidden function switch that

performs an actual function simply by actuation of that same switch. Such an arrangement is not believed suitable for use with a brewer or the like in which simplicity of operation and immediate action in response to actuation of a function switch is desired.

Next all of the independent claims have been amended specify that the means for changing or selecting the different modes of operation are not accessible to the operator, while Butler et al teaches that the mode selection switches are both visible when the automobile is first started and that both of the mode selections switches are accessible to the operator so that the drive may change from either the radio mode or the heater mode. In an automobile, mode selection switches that are not accessible to the drive of the car would be worthless and have no use. Accordingly, Butler et al. is counter-suggestive of a mode selection means that is not accessible by the operator as specified in the claims. On the other hand, if the means for changing the modes of operation were accessible by the operator, the operator could then set up modes that are not appropriate for the brewer in question and would defeat one of the important objects of the invention. The invention is intended prevent, not allow, the operator to make such changes that normally would only be made in the factory or in the field by an authorized technician. For instance, one would not wish the operator to be able to select a mode in which switches for three different brew cycles for three different sized batches of beverage could be made when the brewer in question is not capable of handling more than the smallest size batch. The rejection of the above claims on the basis of Butler et al. is no longer appropriate and should be withdrawn.

Reconsideration of the rejection of claims 96 and 98 as being unpatentable over Butler et al. in vie of Ward et al. is respectfully requested. These claims are dependent on claim 97 and are believed allowable for the same reasons set forth above with respect to claim 97. There are no hidden switches of mode selection switches that are inaccessible in the toaster of Ward. In addition, Ward has no hidden switches with which Braille could be associated, and the control panel of Butler et al. is for use in an automobile in which operators are never so blind that they need to detect switches via Braille. Ward relates to a toaster and is entirely unrelated to either automobiles or beverage brewers. There is therefore no logical basis for combining these references, and the rejection should be withdrawn for this additional reason.

Reconsideration of the rejection of claims 118-121 under 35 USC 103(a) as being unpatentable over Butler et al. in view of Yoshimura et al. is requested. Claims 118-119 are dependent on claim 1 and are believed allowable for the same reasons set forth above with respect to claim 1. Claims 120-121 are dependent on claim 26 and are believed allowable for the same reasons set forth above with respect to claim 26. In addition, these two pairs of claims are respectively dependent on intermediate claims 11 and 32 that specify that the control panel includes a hidden message display that is only selectively revealed. There is not suggestion in Yoshimura et al. of a display that is hidden, and in Butler et al. there is no message display of any kind, and Butler et al. teaches away from the use of a message display (See Column 1, lines 26-29). There is therefore not proper basis to combine these references, and even if they are combined, the combination cannot result in a control panel with hidden switches and a selectively hidden message display.

Reconsideration and allowance of all claims at issue are therefore respectively requested.

Respectfully submitted,

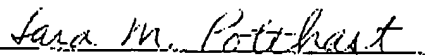

James W. Potthast, Reg. No. 26,792

Law Offices of
Potthast & Associates
10606 Deerpath Road
Woodstock, IL 60098

Voice: 815-334-0830
Fax: 815-334-0820

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37CFR1.8)

I hereby certify that this Amendment B(20-pages) and Petition for Extension of Time(1-page) and facsimile transmittal(1-page) are being facsimile transmitted to the United States Patent and Trademark Office fax number 571-273-8300 this 8th day of November, 2005.


Sara M. Potthast